

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:)
)
EASTERN LIVESTOCK CO., LLC) CASE NO. 10-93904-BHL-11
)
Debtor.)

**AGREED MOTION TO CONTINUE HEARING ON MOTION TO QUASH OR
MODIFY THIRD AMENDED NOTICE OF DEPOSITION OF SEAN WHITE AND
SUBPOENA DUCES TECUM**

Hoover Hull LLP (“Special Counsel” or “Hoover Hull”), Special Counsel for James A. Knauer, Trustee of Eastern Livestock Co., LLC (“Eastern Livestock”) respectfully moves the Court to continue the hearing on the Motion to Quash or Modify Third Amended Notice of Deposition of Sean White and Subpoena Duces Tecum (“Motion to Quash”) and Superior Livestock Auction, Inc.’s (“Superior”) Response to Motion to Quash or Modify Third Amended Notice of Deposition of Sean White and Subpoena Duces Tecum (“Response”) currently scheduled for September 7, 2012. In support of this Motion, the Special Counsel states as follow:

1. On August 20, 2012, the Court set this matter for hearing on September 7, 2012.
2. The parties have agreed to mediate the issue of the reasonableness of the proposed settlement with Fifth Third Bank as contained in the Plan and are in the process of filing a motion with the Court to establish a protocol for the parties to engage in non-binding mediation.
3. In the interest of judicial efficiency, Special Counsel and Superior request that the Court continue the hearing set for September 7, 2012 on the Motion to Quash and Superior’s Response until after mediation has taken place.

4. If the mediation is unsuccessful, Special Counsel will file a motion requesting that the Court reschedule the hearing on the Motion to Quash and Superior's Response.

5. This motion is not made for purposes of undue delay, and no party will be prejudiced by the relief requested herein.

6. John Rogers, counsel for Superior, consents to the relief requested herein.

WHEREFORE, Hoover Hull LLP, Special Counsel for the Trustee of Eastern Livestock, James A. Knauer, respectfully requests the Court to enter an order continuing the hearing on the Third Amended Notice of Deposition of Sean White and Subpoena Duces Tecum and grant all other relief just and proper.

Respectfully submitted,

/s/ John David Hoover
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CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2012, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to counsel of record through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

/s/ John David Hoover